

STATE OF WASHINGTON



OFFICE OF  
INSURANCE COMMISSIONER

In the Matter of )  
 ) No. D05-305  
EASTERN WASHINGTON )  
UNIVERSITY FOUNDATION, ) ORDER TO CEASE AND DESIST  
 )  
an Unauthorized Insurer. )  
\_\_\_\_\_ )

TO: Eastern Washington University Foundation  
Ms. Gayle M. Ogden, J.D.  
127 Hargreaves Hall  
Cheney WA 99004-2413

Pursuant to RCW 48.02.080, Eastern Washington University Foundation and all persons acting in cooperation with it (including officers, employees, directors, agents, owners, and other affiliates) are hereby ORDERED to cease, and desist from, the solicitation and transaction of insurance, in the form of charitable gift annuities, in the State of Washington.

THIS ORDER IS BASED ON THE FOLLOWING GROUNDS:

1. RCW 48.05.030 provides in pertinent part:  
  
No person shall act as an insurer and no insurer shall transact insurance in this state other than as authorized by a certificate of authority issued to it by the commissioner and then in force . . . .
2. RCW 48.01.070 states:  
  
“Person” means any individual, company, insurer, association, organization, reciprocal, or interinsurance exchange, partnership, business trust, or corporation.
3. RCW 48.01.040 provides the definition of insurance as a contract whereby one undertakes to indemnify another or pay a specified amount upon determinable contingencies.
4. An insurance transaction includes a “solicitation” as provided by RCW 48.01.060.

5. Life insurance as defined in RCW 48.11.020 includes annuities and endowment benefits.
6. Eastern Washington University Foundation violated RCW 48.05.030 by soliciting insurance, in the form of charitable gift annuities, in the State of Washington without a certificate of authority.
7. Further, Eastern Washington University Foundation violated RCW 48.38.010 by failing to obtain a certificate of exemption to allow it to transact insurance, in the form of charitable gift annuities, without a certificate of authorization.

#### ORDER TO CEASE AND DESIST

Based on the foregoing, IT IS ORDERED, that you, and each of you, will cease, and desist from, acting as, holding yourself out to be, or doing any act of an insurer, agent, broker, or solicitor, and from engaging in activities requiring a certificate of authority or a license, until you have fully complied with the requirement of Title 48 RCW and the regulations promulgated thereunder.

Subject to a demand for hearing made pursuant to RCW 48.04.010 and Chapter 34.05 RCW, this Order shall remain in effect pending the further Order of the Commissioner.

IT IS FURTHER ORDERED that if any of you fail to comply with this Cease and Desist Order, the Insurance Commissioner shall without further notice, take any such other and further action as is authorized by Title 48 RCW.

ISSUED AT TUMWATER, WASHINGTON, this 20th day of May, 2005.

Mike Kreidler  
Insurance Commissioner

By:

Mary M. Cotter  
Staff Attorney